

No. 9839-3Lab-67/30151.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/S Shyam Ceremics and General Industries, Old Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 41 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S SHYAM CEREMICS AND GENERAL INDUSTRIES, OLD FARIDABAD

Present.—Shri Roshan Lal for the workman.

Shri B.S. Malhotra for the management.

AWARD

Shri Naunaku was employed by M/S Shyam Ceremics and General Industries, Faridabad and it is alleged that his services were wrongfully terminated with effect from 13th December, 1966. This raised an industrial dispute and the Government of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947 has referred the following dispute to this Court for adjudication,—vide gazette notification No. 190-SF-III-Lab-67, dated 21st April, 1967:

Whether the termination of services of Shri Naunaku was justified and in order?

If not, to what relief/exact compensation is he entitled?

On receipt of this reference notices were issued to the workman to file his statement of claim and to the management to file their written statement. On the date fixed on 30th May, 1967 Shri B.D. Santoshi Vice-president of the General Labour Union, Faridabad was present on behalf of the workman and no body was present on behalf of the management though service had been effected. My learned predecessor ordered that *ex parte* proceedings would be taken against the management under the provision of rule 22 of the Industrial Disputes (Punjab) Rules, 1958 and adjourned the case for the evidence of the worker. This case was then put up before me on 28th July, 1967 Shri Roshan Lal Sharma President of the General Labour Union, Faridabad was present on behalf of the workman. Shri B.S. Malhotra proprietor of the respondent concern was present. He made a statement that the claimant Shri Naunaku had received all his dues and had given him a receipt. He further stated that Shri Naunaku did not want reinstatement and that in case he wanted to work with him he was prepared to re-employ him. Shri Sharma in reply stated that he had not received notice of the case for that date and prayed that time may be given to him to produce the worker. As desired the case was adjourned to 11th August, 1967 and thereafter as many as five opportunities were given to the representative to produce the worker but he was not able to do so. Ultimately he gave a statement that he had not been able to contact the worker and he had no instruction to proceed further in this case.

It is thus clear that the claimant has failed to appear in the Court although a number of opportunities have been given to him. The employer has made a categorical statement that workmen has received all his dues from him and had given him a receipt. He has further stated that the worker does not want a reinstatement. The worker has not cared to appear to rebut the statement given by the employer although a number of opportunities have been given to him. Hence I hold that the termination of his services cannot be said to be unjustified or not in order and that he is not entitled to any further relief. I make no order as to costs.

Camp: Ballabgarh

Dated: 29th September, 1967

P.N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.

No. 1373, dated 6th October, 1967.

The award in quadruplicate is submitted to the Secretary to Government, Haryana, Labour & Employment, Department, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.